

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 578 – SB 1243

February 28, 2017

SUMMARY OF ORIGINAL BILL: Changes, from 18 to 17, the age at which a juvenile can seek expunction of the juvenile's records. Requires a juvenile court to inform a child at the time of adjudication of the need to petition for expunction of the child's record. Requires the Administrative Office of the Courts to create a petition that can be completed by a child and circulate the petition to all juvenile court clerks. Requires a juvenile court to expunge all court files and records from a juvenile's record one year after the juvenile completes and is discharged from any probation or conditions of supervision. Only allows for expungement of records for offenses that would be misdemeanors if committed by an adult.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (004197): Deletes all language after the enacting clause and rewrites the bill to change the procedure to file a motion to expunge, rather than a petition, with the court.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Allowing a juvenile to have his or her records expunged at 17 years of age, rather than 18 years of age, will not impact juvenile court operations.
- Tennessee Code Annotated § 37-1-153(f) authorizes juveniles to petition a juvenile court to expunge the juvenile's record. The proposed legislation sets forth new requirements relative to expunging juvenile records by changing to a motion practice. The proposed legislation will require the Administrative Office of the Courts to develop a motion capable of being completed by a minor. It is assumed that the Administrative Office of the courts can create the motion within existing resources.
- Juveniles can petition a juvenile court under current law to have the juvenile's record expunged. Changing the procedure to a motion practice will not significantly impact the operations of juvenile courts.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm